

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:18-CR-02945-WJ

JANY LEVEILLE
SIRAJ IBN WAHAJ
HUJRAH WAHAJ
SUBHANAH WAHAJ, and
LUCAS MORTION,

Defendants.

ORDER SUPPLEMENTING ORDER TO SHOW CAUSE (DOC. 140)

and

**EXTENDING TIME FOR GOVERNMENT TO RESPOND
TO DEFENDANTS' MOTION TO DISQUALIFY (DOC. 137)**

THIS MATTER comes before the Court sua sponte, regarding Defendants' Sealed Motion to Disqualify Judge, filed August 9, 2019 (Doc. 137). The Court recently entered an Order to Show Cause why that motion should not be unsealed (Doc. 140). The Court hereby:

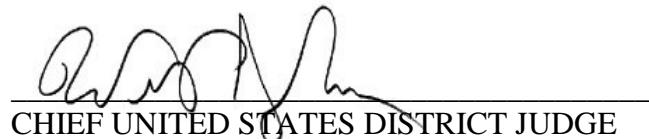
(1) Orders Defendants to supplement their response to the Court's Order to Show Cause in that Defendants shall also show cause why Defendants' Joint *Ex Parte* Status Report (Doc. 134) should not be unsealed. The joint status report formed part of the basis for the Court's Order Discontinuing Joint Defense Meetings (Doc. 135), and spawned Defendants' motion to disqualify, and is therefore central and relevant to the motion to disqualify;¹

¹ The Court considered unsealing the Joint *Ex Parte* Status Report sua sponte, based on defense counsel's own representations that the report contained no information that warranted sealing from either the public or the Government which raises the obvious question why was this pleading filed as a sealed, *ex parte* pleading?

(2) Extends the time for the Government to respond to Defendants' Motion to Disqualify be extended until the Court rules on the matter of whether Defendants' Motion to Disqualify and Defendants' Joint *Ex Parte* Status Report should be unsealed. The Government shall have three (3) weeks following the Court's ruling on that matter in which to file a response to the Motion to Disqualify; and finally,

(3) In the event the Court determines that the Joint *Ex Parte* Status Report should remain sealed from public access, Defendants shall serve the Government with a copy of the Joint *Ex Parte* Status Report within one (1) week of the Court's ruling.

IT IS SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE

In describing the incident [of the July joint defense meeting] to the Court, counsel were careful not to disclose the content of any communications between the Defendants and their counsel given that such information is privileged and constitutionally protected. Rather, counsel described only the conduct that precipitated the Deputy U.S. Marshals' decision to end the meeting.

Doc. 137 at 2. However, the Court decided to allow Defendants to weigh in on the issue in order to avoid the possible inconsistency of unsealing the motion to disqualify without unsealing the joint status report.